



2026:DHC:2500



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 24th March 2026+ **MAC.APP. 148/2026****MEERA YADAV AND ANR**

.....Appellants

Through: Mr. Sunil Kr. Verma, Mr. Chandan
Kumar & Mr. Abhay Kumar,
Advocates.

versus

HDFC ERGO GENERAL INSURANCE CO LTD AND ORS

.....Respondents

Through: Mr. Rajeev M. Roy, Advocate for R-
1.

CORAM:**HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. *Mr. Rajeev M. Roy* appears on behalf of the Insurance Company/R-1, pursuant to previous order of 24th February 2026.
2. Since only two issues have been raised by both sides in this matter, in the opinion of the Court, the matter can be decided.
3. The appeal has been filed assailing the award dated 23rd December 2025, passed by Motor Accident Claims Tribunal, South-West, Dwarka Courts (*'MACT/Tribunal'*) in MACT No. 959/2018, awarding an amount of Rs. 22,16,000 along with 7.5% *per annum* interest
4. The accident occurred on 14th September 2018 at about 12:30 A.M., when the deceased was returning from *Gurugram* in his Car to his residence at *Palam, New Delhi*, truck bearing registration no. No.HR-73A-



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9251 came from behind and collided with the deceased car. The deceased sustained grievous injuries were taken to Civil Hospital, Gurugram. The doctors declared him dead. Criminal proceedings were initiated and the claim petition for compensation was filed.

5. The main concern of the counsel for the appellant relates to the application of the minimum wages of a skilled worker. Counsel for the appellant contends that the minimum wages of a *skilled worker* applicable in Delhi ought to be taken for the purpose of computation of income of the deceased; however, the Tribunal has applied the minimum wages of a *skilled worker* as applicable in Haryana, i.e. Rs. 10,328.83 per month at the time of the accident.

6. Counsel for the appellant pointed out that, as per the *Aadhaar Cards* placed on record of the mother, father, and the deceased, which are also filed in this petition, the address mentioned is *Raj Nagar, Part-II, Near DDA Park, Palam Colony, New Delhi-110077*.

7. Even the affidavit filed on behalf of the mother, *Smt. Meera Yadav*, along with the appeal, shows her residence as *Raj Nagar, Part-II, Near DDA Park, Palam Colony, New Delhi-110077*, and the same address is reflected in the affidavit filed by father of the deceased, *Sh. Maharaj Singh Yadav*.

8. In the facts and circumstances of the case and considering the evidence adduced, this Court does not consider it necessary to further deliberate on this issue; accordingly, *minimum wages of a skilled worker*, as applicable at the time of the accident, being Rs. 17,991/- *per month*, shall be considered.

9. Counsel for the Insurance Company has raised an issue regarding the deduction of 1/3rd towards personal expenses by the MACT, despite the



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deceased being a bachelor. He contends that in terms of principles enunciated in *National Insurance Co. Ltd. v. Pranay Sethi & Ors* (2017) 16 SCC 680, a deduction of 50% towards personal expenses ought to have been made.

10. In light of the submissions advanced by counsel for the Insurance Company and the settled legal position, 50% shall be deducted towards personal expenses.

11. Counsel for the appellant raises another issue regarding the modification of the interest awarded at the rate of 7.5% *per annum*. However, the same is not being considered, as the Court finds no reason to interfere with the findings of the Tribunal in this respect, interest rate being reasonable and appropriate.

12. The revised computation is as under:

S. No.	Heads	Awarded by the Tribunal	Awarded by this Court
1	Monthly Income of deceased (A)	Rs.10,328.83/-	Rs. 17,991/-
2	Add: Future Prospects (B) (40%)	Rs.4,131.532/-	Rs. 7,196.40/-
3	Less: Personal expenses of deceased (C)	1/3 of 14,460.362 =Rs.4,820.12/-	1/2 of 25,187.40 = Rs.12,593.70/-
4	Monthly Loss of dependency (A+B)-C=D	Rs.9,640.23/-	Rs. 12,593.70/-
5	Annual loss of dependency (Dx12)= (E)	Rs.1,15,682.76/-	Rs. 1,51,124.40/-
6	Multiplier (F)	18	18
7	Total loss of dependency (ExF) = (G)	Rs.20,82,289.68/-	Rs. 27,20,239.20/-
8	Compensation for loss of consortium (H)	Rs.96,800/- (48,400 x 02)	Rs.96,800/- (48,400 x 02)
9	Compensation for loss of estate (I)	Rs.18,150/-	Rs.18,150/-



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10	Compensation towards funeral expenses (J)	Rs.18,150/-	Rs.18,150/-
11	Total compensation (G+H+I+J)=K	Rs.22,15,389.68/- which is rounded off to Rs.22,16,000/-.	Rs. 28,53,339.20/- Which is rounded off to Rs. 28,53,400/-
12	Rate of Interest Awarded	7.5% per annum	7.5% per annum

13. Accordingly, the appeal stands disposed of.

14. Enhanced compensation, along with interest at the rate of 7.5% per annum from the date of filing, shall be deposited before the Tribunal within 6 weeks and shall be apportioned and disbursed in terms of the scheme directed in the impugned award.

15. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

MARCH 24, 2026/da/bp